

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

IN RE JOHN TURNER,

Petitioner.

Case No. 2:14-cv-01310-APG-PAL

ORDER

This matter is before the court on Petitioner John Turner's Motion for Order Pursuant to Order (Dkt. #3) for Two Other In Re Cases (Dkt. #4) filed November 24, 2014, and Turner's Application to Proceed In Forma Pauperis (Dkt. #5) filed December 11, 2014. Turner is a prisoner who is proceeding in this action pro se. This proceeding was referred to this court by Local Rule IB 1-9.

Plaintiff initiated this case by filing two Motions to Waive Filing Fees (Dkt. ##1, 2), requesting the court waive the filing fee for a matter he filed in the Nevada Supreme Court. Plaintiff did not pay the required filing fee of \$350.00, or file an application to proceed in forma pauperis in compliance with 28 U.S.C. § 1915(a) and Local Rules LSR 1-1 and 1-2, in this court. Additionally, he did not file a complaint stating the basis for this court's jurisdiction to interfere with a filing fee requirement of the Nevada Supreme Court as required by Rules 3 and 8 of the Federal Rules of Civil Procedure.

The court advised Plaintiff that if he chose to file an application to proceed in forma pauperis and complaint, he would be required to pay the entire filing fee of \$350.00, even if this matter were dismissed. The Order told Plaintiff that if he were permitted to proceed in forma pauperis, the court would be required to screen his complaint to determine whether it states a claim on which relief can be granted. The court observed that it was likely the court did not have

1 jurisdiction to require the Nevada Supreme Court to waive its filing fee, and Turner's Motions
2 did not state a federal claim.

3 Alternatively, the court allowed Plaintiff to withdraw his Motions to avoid paying the pay
4 a filing fee in this court. The court directed that if Plaintiff chose not to withdraw the Motions,
5 he must file a fully completed application to proceed in forma pauperis, with a financial affidavit
6 signed by a representative of the institution in which he is incarcerated, and a certified copy of
7 his inmate trust account balance sheet for the six months immediately preceding this lawsuit.
8 *See* 28 U.S.C. § 1915(a). Additionally, if Plaintiff chose to proceed in forma pauperis, he was
9 required to file a complaint that complies with the requirements of Rule 8 of the Federal Rules of
10 Civil Procedure.

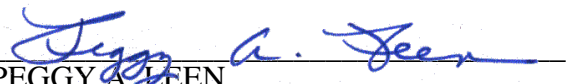
11 The instant Motion requests the court enter orders in two other cases Plaintiff has filed in
12 this court, which were pending as case numbers 2:14-cv-01345-RFB- Case No. 2:14-cv-01346-
13 RFB-NJK, and which are now closed. The district judge in both cases denied Turner's Motion
14 for waiver of filing fees required by the Nevada Supreme Court in two other cases before the
15 Nevada Supreme Court. Both orders advised Turner that this court has no jurisdiction or
16 authority over filing fees required by the Nevada Supreme Court and could not waive them.
17 Similarly, the judges assigned to this case have no authority to enter orders effectively
18 overruling orders entered by another judge in these other cases.

19 Plaintiff has also filed an Application to Proceed In Forma Pauperis (Dkt. #5), but he has
20 not submitted a complaint. Plaintiff's filings are non-responsive to the court's previous Order
21 (Dkt. #3).

22 Accordingly,

23 **IT IS ORDERED** that all pending motions are DENIED, and as there is no complaint or
24 other document that would establish this court's jurisdiction to afford Turner any form of relief,
25 this case shall be closed.

26 Dated this 18th day of December, 2014.

27 
28 PEGGY A. ZEEN
UNITED STATES MAGISTRATE JUDGE